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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,121	02/04/2004	Jason Clay Pearson	71580/US02	4287
71466	7590	01/06/2010	EXAMINER	
LOUIS N. MORENO P.O. BOX 511, B-75 KINGSPORT, TN 37662				SZEKELY, PETER A
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE			DELIVERY MODE	
01/06/2010			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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LMORENO@EASTMAN.COM  
rlwhite@eastman.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* JASON CLAY PEARSON, DOUGLAS STEPHENS  
MCWILLIAMS, GETHER IRICK, JR., and MAX ALLEN WEAVER

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Application No. 10/772,121  
Technology Center 1700

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Mailed: January 5, 2010

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 4, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**PRIOR RETURN UNDOCKETED APPEAL**

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on March 18, 2009 wherein the Examiner was instructed that corrections to the appeal were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention are identified below.

**EXAMINER’S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on March 28, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed March 28, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/GJH/

LOUIS N. MORENO  
P.O. BOX 511, B-75  
KINGSPORT TN 37662